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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,546	06/26/2001	Dale F. McIntyre	83012F-P	1860

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EXAMINER	
ROSARIO-VASQUEZ, DENNIS	

ART UNIT	PAPER NUMBER
2621	

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/891,546	MCINTYRE, DALE F.	
	Examiner	Art Unit	
	Dennis Rosario-Vasquez	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06/01/04 Amend. A*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. Amendment A received on June 1, 2004 has been entered and made of record. This is a non-final rejection. Claims 1-6 are pending.

Specification

2. Due to the amendment, the objection to the specification has been withdrawn.

Drawings

3. The drawings of figures 1-23 were received on June 1, 2004. These drawings are acceptable.

Response to Arguments

4. Applicant's arguments with respect to claims 1-6 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

5. The following quotations of 37 CFR § 1.75(a) is the basis of objection:

> (a) The specification must conclude with a claim particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention or discovery.

6. Claims 1 and 4 are objected to under 37 CFR § 1.75(a) as failing to particularly point out and distinctly claim the subject matter which the applicant regards as his invention or discovery.

Claim 1, lines 11 and 12 is referring to "a communication network", which ought to be amended to "**said** communication network".

Claim 4, line 11 is referring to "a communication network", which ought to be amended to "**said** communication network".

Appropriate action is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Yokomizo et al. (US Patent 6,522,418 B2).

Regarding claim 1, Yokomizo et al. discloses a method for providing assistance in recreating a digital image file on a user computer from information obtained over a communication network retained at a remote location with respect to said image file, comprising:

a) analyzing a user storage device (Fig. 10, label "MEMORY") in a user computer (Fig. 10, num. 10) over said communication network (fig. 10, num. 30-6 is a communication line.) so as to obtain low resolution digital image files (Fig. 10, num. 10-3 contains files of thumbnails.) of high resolution digital image files (fig. 10, num. 10-5) stored on said storage device (fig. 10, label "MEMORY") and storage parameters (filenames of thumbnails 10-3 in col. 9, lines 40,41.) of the high resolution digital image files (fig. 10, num. 10-5).

The MEMORY in Yokomizo et al. contained within 10 of fig. 10 is viewed by a user using a viewer plug-in device that "permits...files adapted...and stored in the...server to be displayed and edited (col. 18, lines 22-24)." Thus, a user, fig. 10, num. 30, analyzes MEMORY by viewing MEMORY using the plug-in device. Note that the MEMORY is contained within fig. 10, num. 10 that contains a "desktop computer" of a DEALER of fig. 10 as mentioned in col. 3, lines 51-61. Also note that the viewing or analyzing of MEMORY by a user is performed over a communication line 30-6. As a result of using the plug-in device, the thumbnail images from fig. 10, num. 10-3 are obtained or downloaded to a USER 30 of fig. 10 as THUMBNAIL IMAGE 30-1. Also from downloading or obtaining a thumbnail, a filename that corresponds with the claimed storage parameters is associated with the thumbnail in 10-3 that is linked to the high-resolution image 10-5 of fig. 10.

b) storing said low resolution digital image files (fig. 10, num. 10-3) and said storage parameters (filenames of thumbnails 10-3) at a remote server of a provider (fig. 10, num. 20);

A web server 20 of fig. 10 stores the thumbnail images 10-3 with an associated filename in another storage location shown fig. 10, num. 20-1 upon a user's request to download images from web server 20; and

c) transmitting said image storage parameters (file names of thumbnails 10-3) over a communication network (fig. 10, num. 20-5, 30 and 30-6) to said user computer (fig. 10, num. 10) so as to assist in reconstructing the high resolution digital image files (Fig. 10, num. 10-5) in said user storage device (Fig. 10, label "MEMORY").

In Yokomizo et al. the filenames of thumbnails 10-3 from web server 20 to computer 30 are transmitted using communication lines 20-5 and 30-6 to computer 10. Note that the transmitted filenames of thumbnails 10-3 are used to link with the high-resolution images 10-5 of fig. 10 so that an editing process can be performed of the high-resolution images 10-5 stored in MEMORY of fig. 10.

Regarding claim 2, Yokomizo et al. discloses the method according to claim 1 wherein said storage parameters (file names of thumbnails 10-3) comprises data structure information (linking information) of said high-resolution digital image files.

The file names of thumbnails 10-3 also include a link to a respective high-resolution image 10-5 of fig. 10 as mentioned in col. 5, lines 55-58.

Regarding claim 3, Yokomizo et al. discloses a method according to claim 1 wherein said storage parameters (file names of thumbnails 10-3) are updated at routine communication intervals ("polling-type job accepting system" used with a "simulative opening method" in col. 20, lines 34-36).

Requests are periodically polled using a communication line in a polling-type job accepting system (col. 20, lines 36-41). Note that the "requests" in col. 20, line 39 are processed in the simulative opening method and polling-type job accepting system described in col. 20, lines 15-36. Note that requests are associated with editing or coding information in col. 7, lines 54-58, which includes a filename in col. 7, line 58. Thus a request that includes a file name is periodically polled.

Regarding claim 4, Yokomizo et al. discloses a system for providing assistance in recreating a digital image file on a user computer from information obtained over a communication network retained at a remote location with respect to said image file, comprising:

a) a provider having a provider computer (Fig. 10, num. 30 is a computer.) that analyzes a user storage device (Fig. 10, label "MEMORY") in said user computer (fig. 10, num. 10) over said communication network (Fig. 10, num. 30-6) so as to obtain low resolution digital image files (Thumbnail images in fig. 10, num. 10-3) of high resolution digital image files (fig. 10, num. 10-5) stored on said storage device (fig. 10, label "MEMORY") and storage parameters (file names of thumbnails 10-3 in col. 9, lines 40,41.) of the high resolution digital image files

This limitation was addressed in claim 1 above, except for the limitation of a provider having a provider computer, which is shown in fig. 10, num. 30 or "USER" computer and mentioned in col. 18, lines 45-47;

b) said provider (Fig. 10, num. 30) storing said low resolution digital image files (fig. 10, num. 10-3) and said storage parameters (file names of thumb nails 10-3) at a remote server of a provider (fig. 10, num. 20)

This limitation was addressed in claim 1 above; and

c) said provider (fig. 10, num. 30) transmitting said storage parameters (file names of thumb nails) over a communication network (fig. 10, num. 20-5, 30, 30-6) to said user computer (fig. 10, num. 10) so as to assist in reconstructing the high resolution digital image files (fig. 10, num. 10-5) in said user storage device (fig. 10, label "MEMORY").

This limitation was addressed in claim 1 above.

Claim 5 has been addressed in claim 2.

Claim 6 has been addressed in claim 3.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ligtenberg et al. (US Patent 6,137,914 A) is pertinent as teaching a method of producing thumbnail images (fig. 2, num. 65) for storage using an index (Fig. 2, num. 75).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis Rosario-Vasquez whose telephone number is 703-305-5431. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo Boudreau can be reached on 703-305-4706. The fax

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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